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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/234,420      04/28/94      FISHER

26M2/0130

ABELMAN, FRAYNE & SCHWAB  
708 THIRD AVENUE  
NEW YORK, NY 10017-4141

EXAMINER
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BRIER, J

ART UNIT	PAPER NUMBER
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2615  
DATE MAILED:

01/30/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined      ☒ Responsive to communication filed on 12-5-94      ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-54 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-54 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

**EXAMINER'S ACTION**

**Part III DETAILED ACTION**

*Response to Amendment*

1. The amendment filed 12-5-94 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the addition of luminescent radiation at page 13 line 5 is new matter because nowhere in the specification is there support for wireless transmission by electromagnetic radiation which is visible in the radio frequency spectrum. Note the attached copy of page 971 of the Webster's Ninth Collegiate Dictionary.

Applicant is required to cancel the new matter in the response to this Office action.

2. The amendment to claim 18 line 7 has been entered before the second occurrence of "sensing".

*Claim Objections*

3. Claim 54 is objected to because of the following informalities: underlining in a new claim does not conform with Rule 121. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 36 is rejected under 35 U.S.C. § 102(e) as being anticipated by Slye et al. U.S. Patent No. 5,261,820.

6. Claims 1-18 and 20-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Barber U.S. Patent No. 5,245,537.

7. Claims 1-35 and 37-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Huston et al. U.S. Patent No. 5,364,093.

8. Claim 54 is rejected under 35 U.S.C. § 102(e) as being anticipated by Dudley U.S. Patent No. 5,326,095. Signal means in the golf cart path and not in the fairway of the hole being played provides signals to the portable unit.

***Double Patenting***

9. Applicant is advised that claim 37/1 is a substantial duplicate of claim 19. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to reject the other as being a

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Art Unit: 2615

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substantial duplicate of the allowed claim. MPEP § 706.03(k). Therefore, should the indicated claim(s) be found allowable, the duplicate claim(s) will be rejected under 35 USC § 101.

### *Response to Arguments*

10. Applicant's arguments concerning the Slye and Barber references filed 12-5-94 have been fully considered but they are not deemed to be persuasive. The Barber and the Slye references are still deemed to anticipate the claims rejected by these references. Note that step 30 of Slye allows new commands to be placed in the repeat performance of the recorded game plays. Note Barber sets the position of the player at hole one and then automatically thereafter determines the position of the player on the golf course.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Monday through Friday from 8:45am to 5:15pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tommy P. Chin, can be reached on (703) 305-4715. The fax phone number for this Group is (703)-305-9508.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

January 27, 1995

*Jeffery A. Brier*  
JEFFERY BRIER  
PRIMARY EXAMINER  
GROUP 2600